

Application No. 09/604,083
Attorney Docket No. 045112-0077

amended claims 1 and 2 to overcome this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Over Prior Art

Applicants respectfully submit that the features of claims 1, 2 and 8 are not taught or suggested by any of the references cited in the final Office Action. In particular, none of the cited references, alone or combined, teach or suggest a composition having a **pesticidally effective amount of at least one plant essential oil compound (e.g., phenyl ethyl alcohol and/or phenyl ethyl propionate) selected on a basis of toxicity against mold mites**, as required by the claimed invention. Applicant respectfully submits that there is no basis upon which to predicate the determination that the selection of phenyl ethyl alcohol and/or phenyl ethyl propionate in accordance with the teachings of any of the cited references is necessarily based on their toxicity against *mold mites*. It is believed that this fundamental difference alone between the claimed invention and the various cited references is sufficient to undermine the asserted rejections under 35 U.S.C. § 102 or § 103 set forth in the final Office Action dated December 10, 2001. Thus, reconsideration and withdrawal of the prior art rejections are respectfully requested.

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CONCLUSION

Early consideration and prompt allowance of the pending claims are respectfully requested. If anything could be done to place this application in condition for allowance, e.g., by Examiner's Amendment, Applicants respectfully request that the Examiner contact the undersigned representative at the telephone number listed below.

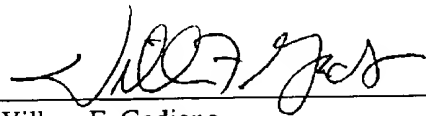
To the extent necessary, please grant any extension of time deemed necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees, to Deposit Account 500417.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Date: November 12, 2002

By:

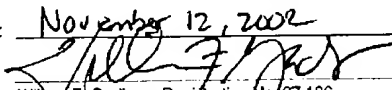

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document (including any paper referred to as being attached or enclosed) is being sent to the U.S. Patent and Trademark Office via facsimile transmission to (703) 872-9307 (TC1600 Office RightFax) on the date indicated below, with a coversheet addressed to Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C., 20231.

Date: November 12, 2002
By: 
Willem F. Gadiano, Registration No. 37,136

ATTACHMENT

Version With Markings To Show Changes MadeIN THE CLAIMS

1. (Twice Amended) A composition for the control of mold mites comprising, in admixture with an acceptable carrier and, at least one plant essential oil compound, selected from the group consisting of aldehyde C16 (pure), α -terpineol, amyl cinnamic aldehyde, amyl salicylate, anisic aldehyde, benzyl alcohol, benzyl acetate, cinnamaldehyde, cinnamic alcohol, carvacrol, carveol, citral, citronellal, citronellol, p-cymene, diethyl phthalate, dimethyl salicylate, dipropylene glycol, eucalyptol (cineole), eugenol, iso-eugenol, galaxolide, geraniol, guaiacol, ionone, menthol, methyl anthranilate, methyl ionone, methyl salicylate, α -phellandrene, pennyroyal oil, perillaldehyde, 1-or-2-phenyl ethyl alcohol, 1-or-2- and phenyl ethyl propionate, piperonal, piperonyl acetate, piperonyl alcohol, D-pulegone, terpinen-4-ol, terpinyl acetate, 4-tert-butylcyclohexyl acetate, thyme oil, thymol, metabolites of trans-anethole, vanillin, and ethyl vanillin, wherein the compound is miticidally effective said composition having a pesticidally effective amount of said plant essential oil compound selected on a basis of toxicity against mold mites.

2. (Twice Amended) A The pesticidal composition of claim 1 for the control of mold mites comprising, in admixture with an acceptable carrier, at least one compound, comprising a monocyclic, carbocyclic ring structure having six members and substituted by at least one oxygenated or hydroxyl functional moiety, wherein the plant essential oil is miticidally effective against mold mites compound is phenyl ethyl alcohol.

8. (Amended) ~~A-The pesticidal composition for the control of mold mites~~
~~comprising 2-phenyl ethyl alcohol in admixture with an acceptable carrier of claim 1, wherein the~~
plant essential oil compound is phenyl ethyl propionate.